

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAR 17 2020

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

TERRY JIMENEZ MORALES,
JEAN CARLOS RIVERA APONTE,
LUIS MANUEL SOLERO ORTIZ,
DAMANYA TERELLE CARTER,

Defendants.

Criminal No.

3:20CR13

Violations:

18 U.S.C. § 2
18 U.S.C. § 1952(a)(3)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(B)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 846
21 U.S.C. § 853

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Possess with Intent to Distribute and to Distribute 500 Grams or More of Cocaine Hydrochloride)

From on or about February 21, 2019 to on or about March 29, 2019, in Jefferson County, in the Northern District of West Virginia, and elsewhere, defendants **TERRY JIMENEZ MORALES, JEAN CARLOS RIVERA APONTE, and LUIS MANUEL SOLERO ORTIZ**, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding together with each other, and with persons known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1).

It was a purpose and object of the conspiracy to possess with intent to distribute, and to distribute five hundred grams or more of a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

COUNT TWO

**(Conspiracy to Possess with Intent to Distribute and to Distribute
Cocaine Hydrochloride)**

From on or about February 21, 2019 to on or about March 29, 2019, in Jefferson County, in the Northern District of West Virginia, and elsewhere, defendant **DAMANYA TERELLE CARTER**, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with persons known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute, and to distribute a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C).

COUNT THREE

(Aiding and Abetting Travel Act – Promotion)

On or about March 27, 2019, defendants **TERRY JIMENEZ MORALES** and **JEAN CARLOS RIVERA APONTE**, aiding and abetting each other, traveled in interstate commerce between the States of Virginia and West Virginia, and elsewhere, with intent to facilitate the carrying on of an unlawful activity, namely a business enterprise involving the Controlled Substances Act offense charged in Count One of this Indictment.

Thereafter, on or about March 27, 2019, in Jefferson County, in the Northern District of West Virginia and elsewhere, defendants **TERRY JIMENEZ MORALES** and **JEAN CARLOS RIVERA APONTE**, aiding and abetting each other, did facilitate the carrying on of an unlawful activity, that is, the defendants traveled from Virginia to West Virginia to obtain controlled substances to distribute in Virginia; in violation of Title 18, United States Code, Section 2 and United States Code, Section 1952(a)(3).

COUNT FOUR

(Aiding and Abetting Possession with Intent to Distribute Cocaine Hydrochloride)

On or about March 27, 2019, in Jefferson County, in the Northern District of West Virginia, defendants **TERRY JIMENEZ MORALES, JEAN CARLOS RIVERA APONTE**, and **LUIS MANUEL SOLERO ORTIZ**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority possess with intent to distribute a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance; in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

(Possess with Intent to Distribute 500 Grams or More of Cocaine Hydrochloride)

On or about March 29, 2019, in Jefferson County, in the Northern District of West Virginia, defendant **LUIS MANUEL SOLERO ORTIZ**, did unlawfully, knowingly, intentionally, and without authority possess with intent to distribute a mixture and substance containing a detectable amount of five hundred grams or more of cocaine hydrochloride, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

FORFEITURE ALLEGATION

Controlled Substance Act

Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense.

A true bill,

/s/

Grand Jury Foreperson

/s/

WILLIAM J. POWELL
United States Attorney

Lara K. Omps-Botteicher
Assistant United States Attorney